



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY
साप्ताहिक
WEEKLY

सं. 13] नई दिल्ली, मार्च 26—अप्रैल 1, 2017, शनिवार/चैत्र 5—चैत्र 11, 1939
No. 13] NEW DELHI, MARCH 26—APRIL 1, 2017, SATURDAY/CHAITRA 5—CHAITRA 11, 1939

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय
(वित्तीय सेवाएं विभाग)
नई दिल्ली, 9 मार्च, 2017

का.आ. 825.—राष्ट्रीय कृषि और ग्रामीण विकास बैंक अधिनियम, 1981 की धारा 7 की उप-धारा (2) के साथ पठित धारा 6 की उप-धारा (1) के खण्ड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, भारतीय रिजर्व बैंक के परामर्श से, श्री दीपांकर गुप्ता के स्थान पर भारतीय रिजर्व बैंक के केन्द्रीय बोर्ड से डॉ. अशोक गुलाटी को उनकी नियुक्ति की अधिसूचना की तारीख से तीन वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, राष्ट्रीय कृषि और ग्रामीण विकास बैंक (नाबार्ड) के निदेशक मण्डल में निदेशक नामित करती है।

[फा.सं.7/2/2009-बीओ-I]

ज्ञानोत्तम राय, अवसर सचिव

MINISTRY OF FINANCE
(Department of Financial Services)
New Delhi, the 9th March, 2017

S.O. 825.—In exercise of the powers conferred by clause (c) of sub-section (1) of Section 6 read with sub-section (2) of Section 7 of the National Bank for Agriculture and Rural Development Act, 1981, the Central Government, in consultation with the Reserve Bank of India, hereby nominates. Dr. Ashok Gulati from the Central

Board of Reserve Bank of India as Director on the Board of Directors of National Bank for Agriculture and Rural Development (NABARD) for a period of three years from the date of notification or until further orders, whichever is earlier *vice* Shri Dipankar Gupta.

[F. No. 7/2/2009-BO-I]
JNANATOSH ROY, Under Secy.

नई दिल्ली, 10 मार्च, 2017

का.आ. 826.—राष्ट्रीय कृषि और ग्रामीण विकास बैंक अधिनियम, 1981 (1981 का 61) की धारा 7 की उप-धारा (2) के साथ पठित धारा 6 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, भारतीय रिजर्व बैंक के परामर्श से, श्री अनिल कुमार बंसल (जन्म तिथि: 22.05.1953) को उनकी नियुक्ति की अधिसूचना की तारीख से तीन वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, राष्ट्रीय कृषि और ग्रामीण विकास बैंक (नाबार्ड) के निदेशक मण्डल में इस शर्त के अध्वधीन अंशकालिक गैर-सरकारी निदेशक नामित करती है कि नाबार्ड के बोर्ड में कार्यभार ग्रहण करने से पहले उन्हें आईएफसीआई इंफ्रास्ट्रक्चर डेवलपमेंट लि., सेंट बैंक होम फाइनेंस कंपनी लि. और अलंकित फिनसैक लिमिटेड के बोर्ड से त्याग-पत्र देना होगा।

[फा.सं. 7/7/2015-बीओ-I]
ज्ञानोतोष राय, अवर सचिव

New Delhi, the 10th March, 2017

S.O. 826.—In exercise of the powers conferred by clause (b) of sub-section (1) of Section 6 read with sub-section (2) of Section 7 of the National Bank for Agriculture and Rural Development Act, 1981 (61 of 1981), the Central Government, in consultation with the Reserve Bank of India, hereby nominates Shri Anil Kumar Bansal (DoB : 22.05.1953) as Part Time Non Official Director on the Board of Directors of National Bank for Agriculture and Rural Development (NABARD), for a period of three years from the date of notification of his appointment or until further orders, whichever is earlier, subject to the condition that he will resign from the Board of IFCI Infrastructure Development Ltd, Cent Bank Home Finance Company Limited and Alankit Finsec Limited before joining the Board of NABARD.

[F. No. 7/7/2015-BO-I]
JNANATOSH ROY, Under Secy.

नई दिल्ली, 11 मार्च, 2017

का.आ. 827.—भारतीय रिजर्व बैंक अधिनियम, 1934, (1934 का 2) की धारा 9 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री दत्ताराज वी. सलगाओकर के स्थान पर श्री दिलीप एस. सांघवी को उनकी नियुक्ति की अधिसूचना की तारीख से चार वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, भारतीय रिजर्व बैंक के पश्चिमी स्थानीय बोर्ड में अंशकालिक गैर-सरकारी सदस्य के पद पर नियुक्त करती है।

[फा.सं. 1/7/2016-बीओ-I]
ज्ञानोतोष राय, अवर सचिव

New Delhi, the 11th March, 2017

S.O. 827.—In exercise of the powers conferred by sub-section (1) of section 9 of the Reserve Bank of India Act, 1934 (2 of 1934), The Central Government hereby appoints Shri Dilip S. Shanghvi as part-time non official Member on the Western Local Board of Reserve Bank of India, for a period of four years from the date of notification of his appointment or until further orders, whichever is earlier *vice* Shri Dattaraj V. Salgaocar.

[F. No. 1/7/2016-BO-I]
JNANATOSH ROY, Under Secy.

नई दिल्ली, 11 मार्च, 2017

का.आ. 828.—भारतीय रिजर्व बैंक अधिनियम, 1934 की धारा 8 की उप-धारा (4) के साथ पठित उप-धारा 1 के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री आर. गांधी के स्थान पर भारतीय रिजर्व बैंक के कार्यपालक निदेशक श्री बी. पी. कानूनगो (जन्म तिथि: 05.05.1959) को दिनांक 03.04.2017 को या इसके पश्चात पदभार ग्रहण करने की तारीख से तीन वर्ष की अवधि के लिए या अगले आदेशों तक, जो भी पहले हो, भारतीय रिजर्व बैंक के डिप्टी गवर्नर के पद पर नियुक्त करती है।

[फा.सं. 1/1/2011-बीओ-I]

ज्ञानतोष राय, अवर सचिव

New Delhi, the 11th March, 2017

S.O. 828.—In exercise of the powers conferred by clause (a) of Sub-Section 1 read with Sub-Section (4) of Section 8 of the Reserve Bank of India Act, 1934, the Central Government hereby appoints Shri B. P. Kanungo (DOB: 05.05.1959), Executive Director, Reserve Bank of India as Deputy Governor, Reserve Bank of India for a period of three years from the date of his taking over charge of the post on or after i.e. 3.04.2017 or until further orders, whichever is earlier vice Shri R. Gandhi.

[F. No. 1/1/2011-BO-I]

JNANATOSH ROY, Under Secy.

नई दिल्ली, 18 मार्च, 2017

का.आ. 829.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 3 के उप-खंड (1), खंड 6 और खंड 8 के उप-खंड (1) के साथ पठित, बैंकारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, आईडीबीआई बैंक लि. के प्रबंध निदेशक एवं मुख्य कार्यकारी अधिकारी श्री किशोर पिराजी खरात (जन्म तिथि: 04.09.1958) को उनके वर्तमान कार्यकाल की शेष अवधि अथवा अगले आदेशों तक, जो भी पहले हो, इंडियन बैंक में प्रबंध निदेशक एवं मुख्य कार्यकारी अधिकारी नियुक्त करती है।

[फा.सं. 13/8(1) 2015-बीओ-I]

ज्ञानतोष राय, अवर सचिव

New Delhi, the 18th March, 2017

S.O. 829.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3, clause 6 and sub-clause (1) of clause 8 of The Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, hereby appoints Shri Kishor Piraji Kharat (DoB: 04.09.1958), MD&CEO, IDBI Bank Ltd. as MD&CEO of Indian Bank for the remaining period of his current tenure, or until further orders, whichever is earlier.

[F. No.13/8(1)2015-BO-I]

JNANATOSH ROY, Under Secy.

वाणिज्य एवं उद्योग मंत्रालय

(वाणिज्य विभाग)

नई दिल्ली, 28 मार्च, 2017

का.आ. 830.—केन्द्रीय सरकार, निर्यात (गुणवत्ता नियंत्रण एवं निरीक्षण) नियम, 1964 के नियम 12, के उपनियम (2) के साथ पठित, निर्यात (गुणवत्ता नियंत्रण एवं निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा मैसर्स सीसीआईसी इंडिया प्राइवेट लिमिटेड, श्रीजी हाउस, प्लॉट सं. 269, पहली तथा दूसरी मंजिल, सैक्टर-1ए, गांधीधाम, कच्छ, गुजरात – 370201 को इस अधिसूचना के प्रकाशन

की तारीख से तीन वर्ष की अवधि के लिए भारत सरकार, वाणिज्य मंत्रालय की अधिसूचना सं. का.आ. 3975, तारीख 20 दिसम्बर, 1965 की अनुसूची में विनिर्दिष्ट खनिज और अयस्क समूह-I, अर्थात् लौह अयस्क तथा बॉक्साइट के निर्यात से पूर्व निम्नलिखित शर्तों के अधीन कांडला पत्तन, पोरबंदर पत्तन, ओखा पत्तन, बेदी पत्तन, मांडवी पत्तन तथा मुन्द्रा पत्तन पर उक्त खनिजों और अयस्कों का निरीक्षण करने के लिए एक अभिकरण के रूप में मान्यता देती है, अर्थात्:-

- (i) यह कि मैसर्स सीसीआईसी इंडिया प्राइवेट लिमिटेड, श्रीजी हाउस, प्लॉट सं. 269, पहली तथा दूसरी मंजिल, सैक्टर-1ए, गांधीधाम, कच्छ, गुजरात - 370201, खनिज और अयस्क समूह- I निर्यात (निरीक्षण) नियम, 1965 के नियम 4 के अधीन विनिर्दिष्ट निरीक्षण करने के लिये निर्यात निरीक्षण परिषद् द्वारा नामित अधिकारियों को पर्याप्त सुविधाएं देगी; और
- (ii) यह कि मैसर्स सीसीआईसी इंडिया प्राइवेट लिमिटेड, श्रीजी हाउस, प्लॉट सं. 269, पहली तथा दूसरी मंजिल, सैक्टर-1ए, गांधीधाम, कच्छ, गुजरात - 370201, इस अधिसूचना के अधीन अपने कार्यों के निष्पादन में निदेशक (निरीक्षण और गुणवत्ता नियंत्रण), निर्यात निरीक्षण परिषद् द्वारा समय-समय पर लिखित रूप में दिए गए ऐसे निर्देशों से आबद्ध होगी।

[फा.सं. के-डीओसी-16/14(6)/2017 - निर्यात निरीक्षण]

संतोष कुमार सारंगी, संयुक्त सचिव

MINISTRY OF COMMERCE AND INDUSTRY

(Department of Commerce)

New Delhi, the 28th March, 2017

S.O. 830.—In exercise of the powers conferred by the sub-section (1) of section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), read with sub-rule (2) of rule 12 of the Export (Quality Control and Inspection) Rules, 1964, the Central Government hereby recognises M/s. CCIC India Pvt. Ltd., Shreeji House, Plot No. 269, 1st & 2nd Floor, Sector-1A, Gandhidham, Kutch, Gujarat - 370201, as an agency for a period of three years from the date of publication of this notification, for the inspection of Minerals and Ores Group-I, namely, Iron Ore and Bauxite specified in the Schedule annexed to the notification of the Government of India in the Ministry of Commerce *vide* number S.O. 3975, dated the 20th December, 1965, prior to export of said Minerals and Ores at Kandla Port, Porbandar Port, Okha Port, Bedi Port, Mandvi Port and Mundra Port, subject to the following conditions, namely: -

- (i) that M/s. CCIC India Pvt. Ltd., Shreeji House, Plot No. 269, 1st & 2nd Floor, Sector-1A, Gandhidham, Kutch, Gujarat - 370201, shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to carry out the inspection specified under rule 4 of the Export of Minerals and Ores - Group I (Inspection) Rules, 1965;
- (ii) that M/s. CCIC India Pvt. Ltd., Shreeji House, Plot No. 269, 1st & 2nd Floor, Sector-1A, Gandhidham, Kutch, Gujarat - 370201, in the performance of their function under this notification shall be bound by such directions as the Director (Inspection and Quality Control), Export Inspection Council may give in writing from time to time.

[F.No. K-DoC-16/14(6)/2017 – Export Inspection]

SANTOSH KUMAR SARANGI, Jt. Secy.

नई दिल्ली, 28 मार्च, 2017

का.आ. 831.—केन्द्रीय सरकार, निर्यात (गुणवत्ता नियंत्रण एवं निरीक्षण) नियम, 1964 के नियम 12, के उपनियम (2) के साथ पठित, निर्यात (गुणवत्ता नियंत्रण एवं निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स थैराप्युटिक्स केमिकल रिसर्च कॉर्पोरेशन, दूसरी तथा तीसरी मंजिल, शिव औद्योगिक क्षेत्र, के.वी. बालमुकुंद मार्ग, बाइकुला माल डिपो के पास, चिंचपोकली (ई), मुंबई - 400012, महाराष्ट्र, को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए भारत सरकार के वाणिज्य मंत्रालय की भारत राजपत्र भाग-II, खण्ड-3, उप खण्ड (ii) में दिनांक 20 दिसम्बर, 1965 की अधिसूचना सं. का.आ. 3975

की अनुसूची में विनिर्दिष्ट खनिज और अयस्क समूह-I, अर्थात् बॉक्साइट तथा लौह अयस्क के निर्यात से पूर्व निम्नलिखित शर्तों के अधीन महाराष्ट्र के धरमतर पत्तन, जयगढ़ पत्तन और रेडी पत्तन पर उक्त खनिजों और अयस्कों का निरीक्षण करने के लिए एक अभिकरण के रूप में मान्यता देती है, अर्थात्:-

- (i) मैसर्स थैराप्युटिक्स केमिकल रिसर्च कॉर्पोरेशन, दूसरी तथा तीसरी मंज़िल, शिव औद्योगिक क्षेत्र, के.वी. बालमुकुंद मार्ग, बाइकुला माल डिपो के पास, चिंचपोकली (ई), मुंबई – 400012, महाराष्ट्र, खनिज और अयस्क समूह-I का निर्यात (निरीक्षण) नियम, 1965 के नियम 4 के अधीन विनिर्दिष्ट निरीक्षण का कार्यान्वयन करने के लिये उनके द्वारा अपनाई गई विधि की जाँच करने के लिए निर्यात निरीक्षण परिषद् द्वारा नामित अधिकारियों को पर्याप्त सुविधाएं देगी; और
- (ii) मैसर्स थैराप्युटिक्स केमिकल रिसर्च कॉर्पोरेशन, दूसरी तथा तीसरी मंज़िल, शिव औद्योगिक क्षेत्र, के.वी. बालमुकुंद मार्ग, बाइकुला माल डिपो के पास, चिंचपोकली (ई), मुंबई – 400012, महाराष्ट्र, इस अधिसूचना के अधीन अपने कार्यों के निष्पादन में निदेशक (निरीक्षण और गुणवत्ता नियंत्रण), निर्यात निरीक्षण परिषद् द्वारा समय-समय पर लिखित रूप में दिए गए ऐसे निर्देशों से आबद्ध होगी।

[फा.सं. के-डीओसी/16/14(4)/2017 - निर्यात निरीक्षण]

संतोष कुमार सारंगी, संयुक्त सचिव

New Delhi, the 28th March, 2017

S.O. 831.—In exercise of the powers conferred by sub-section (1) of section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) read with sub-rule (2) of rule 12 of the Export (Quality Control and Inspection) Rules, 1964, the Central Government hereby recognises M/s. Therapeutics Chemical Research Corporation, 2nd and 3rd Floor, Shiv Industrial Estate, K.V. Balmukund Marg, Near Byculla Goods Depot, Chinchpokli (E), Mumbai – 400012, Maharashtra, as an agency for a period of three years from the date of publication of this notification, for the inspection of Minerals and Ores—Group-I, namely, Bauxite and Iron Ore as specified in the Schedule annexed to the notification of the Government of India in the Ministry of Commerce published in the Gazette of India, Extraordinary, Part-II, section 3, sub-section (ii) vide S.O. 3975 dated the 20th December, 1965, prior to export of said Minerals and Ores at Dharamtar Port, Jaigarh Port and Redi Port Maharashtra, subject to the following conditions, namely: -

- (i) that M/s. Therapeutics Chemical Research Corporation, 2nd and 3rd Floor, Shiv Industrial Estate, K.V. Balmukund Marg, Near Byculla Goods Depot, Chinchpokli (E), Mumbai – 400012, Maharashtra, shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to carry out the inspection specified under rule 4 of the Export of Minerals and Ores - Group I (Inspection) Rules, 1965;
- (ii) that M/s. Therapeutics Chemical Research Corporation, 2nd and 3rd Floor, Shiv Industrial Estate, K.V. Balmukund Marg, Near Byculla Goods Depot, Chinchpokli (E), Mumbai – 400012, Maharashtra, in the performance of their function under this notification shall be bound by such directions as the Director (Inspection and Quality Control), Export Inspection Council may give in writing from time to time.

[F.No. K-DoC/16/14(4)/2017 – Export Inspection]

SANTOSH KUMAR SARANGI, Jt. Secy.

विदेश मंत्रालय

(सी.पी.वी. प्रभाग)

नई दिल्ली, 22 मार्च, 2017

का.आ. 832.—राजनयिक और कौंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 (1948 का 14) की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्वारा, केंद्र सरकार भारत के प्रधान कौंसलावास, दुबई में श्री अलिन्द कुमार सूरज, सहायक अनुभाग अधिकारी और श्रीमति त्रिशला, कुमारी, निजी सहायक को दिनांक 15 मार्च, 2017 से सहायक कौंसुलर अधिकारी के तौर पर कौंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[सं. टी-4330/01/2017]

प्रकाश चन्द, निदेशक (कौंसुलर)

MINISTRY OF EXTERNAL AFFAIRS

(CPV DIVISION)

New Delhi, the 22nd March, 2017

S.O. 832.—Statutory Order in pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby appoints Shri Alind Kumar Suraj, Assistant Section Officer and Smt. Trishla Kumari, PA as Assistant Consular Officers in Consulate General of India, Balio to perform the Consular services with effect from 15 March, 2017.

[No.T-4330/01/2017]

PRAKASH CHAND, Director (Consular)

नई दिल्ली, 22 मार्च, 2017

का.आ. 833.—राजनयिक और कौंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 (1948 का 14) की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्वारा, केंद्र सरकार भारत के प्रधान कौंसलावास, शिकागो में श्री जे.पी. संतोष, सहायक अनुभाग अधिकारी को दिनांक 16 मार्च, 2017 से सहायक कौंसुलर अधिकारी के तौर पर कौंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[सं. टी-4330/01/2015]

प्रकाश चन्द, निदेशक (कौंसुलर)

New Delhi, the 22nd March, 2017

S.O. 833.—Statutory Order in pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby appoints Shri J.P. Santosh, Assistant Section Officer as Assistant Consular Officer in Consulate General of India, Chicago to perform the Consular services with effect from 16 March, 2017.

[No.T-4330/01/2015]

PRAKASH CHAND, Director (Consular)

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 20 मार्च, 2017

का.आ. 834.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार निदेशक, ऑल इंडिया इंस्टीट्यूट ऑफ मेडिकल साइंस, नई दिल्ली एवं उनके कर्मचारी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय सं. 1, दिल्ली पंचाट (संदर्भ संख्या 65/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28/02/2017 को प्राप्त हुआ था।

[सं. एल-42012/201/2014-आईआर (डीयू)]

राजेन्द्र जोशी, उप निदेशक

MINISTRY OF LABOUR AND EMPLOYMENTNew Delhi, the 20th March, 2017

S.O. 834.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (ID. Case No. 65/2015) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Delhi as shown in the Annexure, in the Industrial dispute between the employers in relation to the Director, All India Institute of Medical Science, New Delhi and their workman, which was received by the Central Government on 28/02/2017.

[No. L-42012/201/2014-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE

IN THE COURT OF SHRI AVTAR CHAND DOGRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO.1, KARKARDOOMA COURT COMPLEX, DELHI

ID No. 65/2015

Smt.Geeta Kumari,
1079-B, Pragati Apartment,
Ward No.1, Mehrouli,
New Delhi-110030

...Workman

Versus

The Director,
All India Institute of Medical Sciences,
Ansari Road,
New Delhi-110 029

...Management

AWARD

This is a reference received from Government of India under clause(d) of sub-section(I) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947(in short the Act) for adjudication of an industrial dispute vide letter No. L-42012/201/2014-IR(DU) dated 29.01.2015, the term of which are as under:-

“Should a lady employee be denied Maternity leave if she bears third child even after having undergone Family Planning Operation in a Govt./Recognized hospital? and should such lady employee be deprived of any or all facilities/Allowances for the third child which are admissible only up to and including second child ? If not, to what benefit/compensation/concession is such a lady entitled to from the hospital or the employer.

2. It is averred in the statement of claim that claimant is working on the post of a Sister Grade-II nurse in the All India Institute of Medical Sciences(AIIMS) since 22nd December,2006. She had two surviving children and it was decided by her to adopt family planning measures. Accordingly, the claimant underwent a Tubectomy Operation on 11.03.2013. The operation was done at the claimant's workplace itself i.e. AIIMS, by Dr. Vaishali Sharma, a Senior Resident of the Obstetrics and Gynecology Department of AIIMS.

3. After undergoing sterilization, claimant conceived another child after four months of the above operation. She faced huge emotional and mental suffering and trauma as she had conceived against her wishes.

4. Thereafter, on 11/11/2013 she wrote a letter to the management to grant her maternity leave as she had no intention of having a third child and permanent sterilization operation was conducted at the work place of the management and as a matter of principle, she did not abort the fetus. The claimant was told by the respondent on 06.12.2013 that her request cannot be considered and was advised to submit another letter for reconsideration. Accordingly, the claimant again submitted a letter of reconsideration on 17.12.2013, stating the reason of availing maternity leave. The management rejected the request of the claimant on 19.12.2013. The management also vide letter dated 24.02.2014, communicated to the claimant regarding repudiation of her Family Planning allowance of Rs.450/- per month. It was also communicated that request for maternity leave has not been granted.

5. Due to the birth of the third child, the claimant had to exhaust her 42 days of accrued Earned Leave and had to remain without –pay for a period of 4 months without any fault on her part. The claimant was entitled for encashment of E.L at the time of leaving/superannuating from her services. The claimant also incurred financial liability in relation to medical and health expenses and general well being during pregnancy and delivery of the child. The claimant felt aggrieved by the denial of the aforesaid benefits, the claimant approached the Labour Commissioner, New Delhi and

aired her grievances vide letter dated 22.04.2014. The Assistant Labour Commissioner © , New Delhi held conciliatory meetings between the claimant and the respondent to resolve the impasse. However, no settlement could be arrived at, as a result of which vide a letter dated 28.08.2014, filed a Failure of Conciliation Report . The matter was referred to the appropriate government by way of the above reference for adjudication.

6. The management was put to notice and none appeared on behalf of the management on 27.03.2015, 17.04.2015 and 11.06.2015. Fresh notice was ordered to be issued to the management on 12.08.2015, despite receipt of the notice, none appeared on behalf of the management as a result, management was proceeded Ex-parte vide a letter dated 10.02.2016.

7. The claimant, Smt. Geeta Kumari, in support of her case examined her self WW1 and tendered her documents Ex.WW1/1 to Ex.WW1/8 and closed her evidence. It is clear from the perusal of the affidavit Ex.WW1/A that the claimant was working Sister Grade-II nurse with the management. Necessary Sterilisation Certificate, Ex. WW1/1 clearly shows that Dr. Vaishali Sharma had conducted Tubectomy operation on Geeta Kumari in AIIMS on 11/03/2013. Further, claimant has filed an application for Maternity leave vide a letter Ex. WW1/2. It is clearly mentioned in this application that she has undergone Family Planning (permanent) operation on 11/03/2013 at AIIMS. And she conceived a child after 4 months of the aforesaid operation. It was her third child against her wishes. She had not taken any Maternity leave, when she gave birth other two children. Letter Ex.WW1/3 shows that on the advice of the management, she further submitted another application for granting of Maternity Leave which was rejected by the management vide Ex.WW1/4 by mentioning “as per leave rules, Maternity leave is admissible for less than two surviving children”.

8. The birth of third child has really caused mental pain and suffering to the claimant. The management vide letter Ex.WW1/5 , stopped the payment of Family Planning Allowance for Rs.450/-per month to the claimant.

9. The claimant has also tendered in evidence, salary certificate, Ex.WW1/6. The perusal of the above certificate clearly shows that management has deducted amount of Rs.20,000/- after the delivery of the third child, from the salary of the claimant, every month, which she was earlier getting.

10. Lastly, the claimant had written to the Labour Commissioner vide letter Ex.WW1/7, mentioning her grievances. Thereafter, the management appeared before the Assistant Labour Commissioner and stand of the management was also clear from the letter Ex.WW1/8 that in view of quoted Rules and G.I. Deptt of Posts, letter No.14-2/88 Medical dated 28th October, 1988 issued in consultation with Ministry of Family and Health Welfare vide their UO No. 2311/3/88-Ply dated 14th June, 1988, the claimant is not entitled for granting of Maternity Leave, compensation facility of family planning etc.

11. It was strongly urged on behalf of the claimant, that the birth of the third child has taken place against the wishes of the claimant as she has undergone Tubectomy Operation on 11/03/2013 , as is clear from the certificate of sterilization Ex.WW1/1. It is neither in doubt nor in dispute that sterilization operation was conducted by Dr. Vaishali Sharma, a Senior Resident of the Obstetrics and Gynecology Department of AIIMS and Also Dr. Vatsla Dadhwal have conducted Tubectomy operation on Geeta Kumari in AIIMS on 11/03/13. The certificate Ex.WW1/1 also shows that the operation was successfully conducted and also bears the signature of Geeta Kumari.

12. There is considerable force , in the contention of the claimant, that deduction from the salary i.e. Rs. 20,000/- after the delivery of the third child on account of payment of Family Planning Allowance which claimant was getting earlier, is totally illegal and unjustified in as much as there is no fault of claimant for the third child which she has delivered against her wish.

13. Admittedly, there was no precaution to be taken by the claimant after the Tubectomy operation, despite all this, the claimant has become pregnant , resulting in delivery of third child. She cannot be blamed in any manner for delivery of third child. More over, this operation has admittedly taken place in the AIIMS and the sterilization operation was conducted by Dr. Vaishali Sharma, a Senior Resident of the Obstetrics and Gynecologist. The management has not taken rational and holistic view of the circumstances of the case as a result of which claimant has suffered both physically and mentally. The stand of the management that in view of the letter No.ALC-II/45(02)/2014 dated 28.08.2014 Ex.WW1/8 referred to in Failure report that the claimant cannot be granted the benefits in view of quoted Rules and G.I.I. Deptt of Posts, letter number 14-2/88 Medical dated 28th October, 1988 issued in consultation with Ministry of Family and Health Welfare vide their UO No.2311/3/88-Ply dated 14th June, 1988, is totally wrong and against the spirit of the said letter .Even the management has observed earlier that contention of claimant appears to be rational. But existing norms do not support her case. This letter nowhere provides that the claimant would not be entitled the earlier getting benefits on account of failure of Tubectomy operation after two surviving children and when third child is born against the wish of woman who has already undergone such operation , there is no fault of the claimant if she became pregnant after 4 months when tubectomy was performed by Senior i.e. Dr. Vaishali Sharma a Senior Resident of the Obstetrics and Gynecologist of the management. Resultantly, the above letter would apply to a case when delivery of the third child is in the ordinary course without any prior tubectomy having been conducted upon an employee . The tribunal is of the considered opinion that such an employee cannot be denied maternity leave and other benefits if she bears a third child in spite of family planning operation in a Government hospital which is of

International repute. Nor such a lady employee can be deprived of facility/allowances for giving birth to such third involuntary child, which are otherwise admissible to her.

14. As a sequel to the aforesaid discussion, it is held the action of the management in denying the maternity leave on account of bearing of the third unwanted child after successful family planning operation is totally illegal and unjustified. In view of this, it is further held that claimant cannot be deprived of any benefit including Family Planning allowance, Education allowance etc as such claimant is held entitled to the recovery of all such benefits withdrawn/denied to her on account of delivery of third unwanted child, which are admissible to a lady employee, having only 2 children, with interest at the rate of 9% from the date of reference till its payment by the management. An award is accordingly passed. Let it be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

22.02.2014

A.C. DOGRA, Presiding Officer

नई दिल्ली, 20 मार्च, 2017

का.आ. 835.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स नैशनल एग्रीकल्चर कोऑपरेटिव मार्केटिंग फेडरेशन ऑफ इंडिया लिमिटेड, नई दिल्ली एवं उनके कर्मचारी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय सं. 1 दिल्ली के पंचाट (संदर्भ संख्या 108/2016) को प्रकाशित करती है जो केन्द्रीय सरकार को 16/01/2017 को प्राप्त हुआ था।

[सं. एल-42025/03/2017-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 20th March, 2017

S.O. 835.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (ID. Case No. 108/2016) of the Central Government Industrial Tribunalcum Labour Court No. 1, Delhi as shown in the Annexure, in the Industrial dispute between the employers in relation to the M/s. National Agricultural Co-operative Marketing Federation of India Ltd., New Delhi and their workman, which was received by the Central Government on 16/01/2017.

[No. L-42025/03/2017-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXUE

IN THE COURT OF SHRI AVTAR CHAND DOGRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO.1, KARKARDOOMA COURT COMPLEX, DELHI

ID No. 108/2016

Shri Pradeep Kumar Singh,
Employee Code – 1339,
Senior Dispatch Rider,
F/o 117, Gali No.13, Saronini Park,
Shastri Nagar, New Delhi-110 031

...Workman

Versus

M/s. National Agricultural Co-operative Marketing Federation of India Ltd.
Head Office : Siddhartha Enclave,
Ashram Chowk, Ring Road,
New Delhi-110 014

...Management

AWARD

National Agricultural Co-operative Marketing Federation of India Ltd. (hereinafter referred to as the management), employed Shri Pradeep Kumar (hereinafter referred to as the claimant) as Grading Attendant.. The management terminated services of the claimant, without giving one month notice or pay in lieu thereof and retrenchment compensation. This irked the claimant, who raised an industrial dispute before the Conciliation Officer. His claim was contested by the management, hence conciliation proceedings ended into a failure. Since 45 days expired from the date of moving an application before the Conciliation Officer, Shri Pradeep Kumar opted to file his dispute before the Tribunal using provisions of sub-section (2) of section 2A of the Industrial Disputes Act, 1947 (in short the Act), without being referred for adjudication by the appropriate Government under section 10(1)(d) of the Act.

2. Claim statement was filed on behalf the claimant, wherein it is averred that he was appointed by the management on 09.11.1992 as Grading Assistant. The claimant had unblemished service of record of 23 years and he worked honestly and sincerely and not a single complaint/allegation was leveled against. Hence was promoted him to the post of Senior Dispatch Rider on 12.10.2012 and his basic work involved filed work. During the course of his duties, he met with an accident on 28.06.2014 resulting in severe head injury. The claimant was advised by the Doctor to under regular check up and proper-uninterrupted medication for atleast two years. During this period, all of a sudden, vide letter dated 18.12.2014, was directed to join at Indore branch of the management with immediate effect, without assigning any reasons for his transfer. Despite several requests, management did not accede his request for transfer, hence he was forced to report at Indore. The workman was suffering financial constraints as he was never paid his full salary. Then, all of a sudden on 24.03.2015, the claimant received a termination letter, which was issued by an incompetent authority. Hence, the termination order is illegal, void and non-est. No proper enquiry was conducted by the Disciplinary Authority and the termination order was passed on the basis of purported letter of admission of guilt of charges based on surmises and conjectures. The workman is unemployed from the date of his termination. Finally, it is prayed that the impugned termination order dated 24.03.2015 be set aside and the claimant be reinstated with full back wages.

3. Notice of the petition was sent to the management, calling upon them to file their written statement.

4. In the meanwhile, the claimant approached the court for withdrawal of his application as the parties have amicably resolved the dispute and the claimant has been re-employed as Dispatch Rider, where he has joined duties on 23.12.2016. On his re-employment, claim of the claimant would stand satisfied. Statement of the claimant was recorded separately, which shall form integral part of the award. An award is, accordingly, passed. It be sent to the appropriate Government for publication.

January 11, 2017

A.C. DOGRA, Presiding Officer

नई दिल्ली, 20 मार्च, 2017

का.आ. 836.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार निदेशक, ऑल इंडिया इंस्टीट्यूट ऑफ मेडिकल साइंस, नई दिल्ली एवं उनके कर्मचारी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय सं. 1 दिल्ली के पंचात (संदर्भ संख्या 326/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08/02/2017 को प्राप्त हुआ था।

[सं. एल-42012/65/2011-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 20th March, 2017

S.O. 836.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (ID. Case No. 326/2011) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Delhi as shown in the Annexure, in the Industrial dispute between the employers in relation to the Director, All India Institute of Medical Science, New Delhi and their workman, which was received by the Central Government on 08/02/2017.

[No. L-42012/65/2011- IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE**IN THE COURT OF SHRI AVTAR CHAND DOGRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO.1, KARKARDOOMA COURT COMPLEX, DELHI****ID No. 326/2011**

Shri Vinod Kumar, Khalasi,
H.No. 834, VPO Bakner Thana Narela,
Delhi-110040

Versus

The Director,
All India Institute of Medical Sciences,
Ansari Road,
New Delhi 110 029

...Management

AWARD

Central Government, vide letter No.L-42012/65/2011-IR(DU) dated 19.09.2011, referred the following industrial dispute to this Tribunal in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, for adjudication, the terms of which are as under:-

“Whether the action of the management of All India Institute of Medical Sciences (AIIMS), New Delhi, in terminating the services of Sh.Vinod Kumar Khalai (A/c), w.e.f. 01/11/2004, is legal and justified ? What relief the workman is entitled to ? ”

2. It is the case of the claimant that he was engaged by the management as a Khalasi A.C.(T.S) since 05.06.1995 to 30.10.2004. The Claimant was drawing his salary @ Rs.5126/- p.m. The whole service period of his work was satisfactory and there was no complaint against his work or conduct.
3. It is further alleged by the claimant that on 01/11/2004 the respondent/management orally terminated his services without assigning any reason and serving any notice or Charge Sheet. Thus management had violated the provisions of section 25F, 25G and 25 H of the Industrial Dispute Act . The management had retained the services of Junior workman and also made recruitment of fresh candidate, but the workman was not provided the opportunity of appointment in preference to the new entrance which is clear violation of section 25 (H) of the I.D.Act.
4. The matter was contested by the management who filed Written Statement wherein it is admitted that claimant started working on daily wages with the Respondent in the year 1995 as Khalasi on Muster Roll (A/C) Engineering Service Department. He was very casual and un-disciplined in his approach and had never joined his duty regularly so as to work regularly for 240 days in a year. Therefore , he could not be given the status of Khalai(TS) by the respondent, whereas the other co-workers were given the status as aforesaid on account of completing continuous service of 240 days in a Calendar year, which is a condition precedent for giving the status of Khalasi(TS).
5. Against this factual background this tribunal vide order dated 02/05/2012 ,framed the following issues :-
 - (i) Whether on account of some mistake, the claimant was made excess payment by the management, amounting to Rs. 32,386.00 ?
 - (ii) Whether the claimant abandoned his services, when the management started deduction of excess amount paid to the claimant.?
 - (iii) As in terms of reference.

The Claimant in support of his claim examined himself as WW1 and tendered in Evidence various documents Ex. WW1/3 to Ex.WW1/40. The management in order to rebut the case examined Sh. Vinod Kumar Sharma, Executive Engineer, AIIMS, ND

6. Issue No.1

It is clear from the pleadings of the parties that claimant was admittedly engaged as daily wager by the management since June, 1995. This fact had duly admitted even by the management in the Written Statement. The Claimant has further stated that he was in continuous service till November, 2004. It is the case of the management that the claimant has not completed 240 days in a Calendar year as such he could not be confirmed as Khalasi (TS). It was also brought to the notice of this tribunal that claimant was wrongly released the salary of Khalasi (TS). The intention of this tribunal was also invited to Attendance Record Ex.WW1/3. This shows the name of the claimant ,Sh.Vinod Kumar at Sl. No.21. There is an application Ex.WW1/4 addressed to the Executive Engineer by the claimant, Sh.Vinod Kumar wherein he admitted that he has been made payment of salary in excess and he is willing to refund the excess amount in instalments of Rs. 500/- p.m. This fact is further collaborated by letter Ex.WW1/5 which shows written contents of claimant, Sh.Vinod Kumar has been obtained for recovery of amount of Rs. 32,386/- in instalments of Rs. 500/- each. There is letter Ex.WW1/9 which shows that claimant was called for interview for the post of Khalasi on 10.11.2004. There is another application Ex.WW1/12 of claimant addressed to Ex.Engineer, dated 25/05/05 wherein request is

made by the claimant for recovery of Rs. 100/-p.m. for payment of excess amount of Rs. 32,386/-. There is also letter dated 11/02/2001 Ex.WW1/13 which shows that claimant was instructed to deposit an amount of Rs. 32,386/- to the Cashier, AIIMS within 15 days, failing which suitable action as deemed fit will be taken against him. There is another Memorandum dated 05/03/2005, Ex.WW1/14 which shows that the claimant, Sh.Vinod Kumar was asked by Chief Vigilance Officer as to whether he has deposited, the amount of Rs. 32,386/- which was over paid to him as pay and allowances of Khalasi with Temporary Status.

7. Sh. Vinod Kumar, Claimant while appearing as WW1 had not mentioned about amount of Rs. 32,386/-nor stated in his evidence regarding overpayment of Rs.32386/-. Thus, there is ample evidence in record to show that management has made over payment to claimant, Sh.Vinod Kumar who has not paid back excess amount to the management. Issue is decided accordingly.

8. Issue No. 2 & 3

Both these issues are interlinked as such being taken together for the purpose of discussion, though the management has taken the plea of abandonment, the service of the management but has not led any specific evidence on this issue. It is clear from the Para-7 of the Written Statement, filed by the management that management has taken the plea that the Claimant left the service of the Respondent in the year 2004, even he had not refunded the amount of Rs.32,386/- paid to him in excess of his entitlement by the AIIMS which was refunded by the claimant, Sh..Vinod Kumar Sharma. The Ex.Engineer while appearing MW1 has no where specifically deposed regarding the abandonment of job by the claimant. He has only stated that regarding the over payment of amount of Rs. 32,386/-to the claimant and an undertaking vide Ex.WW1/4 to pay installments of Rs.500/-every month from his salary.

9. The claimant has clearly stated that he has never abandoned the job and work for more than 240 days in a Calendar Year. Thus the plea of the management regarding abandonment of the job and work for less than 240 days in a calendar year is not supported by any evidence on record.

10. Even if it is assumed that workman has voluntarily left or abandoned the job in that eventually the management was required to issue notice to the claimant. It is just possible that claimant was not willing to pay back the amount of Rs.32,386/- in installments of Rs.500/- each every month. Yet it is required from the management to issue notice, it was held in the case of Satbir Singh Vs Presiding Officer, Industrial Tribunal cum Labourt, Panipat and another, 2017 LLR 35, P.H and Kali Ram Vs Presiding Officer 2017 LLR 95 PH that plea of abandonment raised by management is sustainable only if notice has been issued to the workman for reporting back to duty. In view of the legal position discussed above that management has failed to prove the plea of abandonment of job.

11. Now the main question before this tribunal that management has terminated the service of the claimant in violation of the act, admittedly no notice in terms of provision of 25 F of the act was served upon the claimant. The stand of the management is that claimant has not completed 240 days in a calendar year as such no notice was required to be served upon him, particularly when claimant voluntarily left the job. It is clear from the statement of Sh. Vinod Kumar, WW1 that he worked continuously 240 days after he joined on 05/06/95. It is further clear that between 1995 to 2004, there is no evidence to suggest that any show cause notice regarding any kind of Disciplinary Action was issued to the claimant. The claimant in his evidence has also tendered copy of the Attendance Sheet Ex. WW1/2 for the year 2003-2004 which shows he worked for 253 number of days. Since the record pertaining to attendance was admittedly in possession of the management, in such situation, it was incumbent upon the management to have produce the same as to prove the plea that claimant has not worked for 240 days in a calendar year. Having failed to do so it does not lie in the mouth of the management, that the workman has not completed 240 days in a Calendar year. In view of the discussion made above, it is held that termination of the service of the claimant is in violation of Section 25 F of the act.

12. The Tribunal cannot ignore an important fact that workman has not approached the Tribunal immediately after 2004 when he was virtually disengaged. He served legal notice Ex.WW1/40 upon management only in August, 2009 i.e. after 5 years of disengagement. No doubt claim or relief cannot be denied to a workman simply on account of delay & laches as provisions of limitation are not attracted in industrial proceedings as has been held in the case of Ajit Singh Vs The sishind co-operative marketing society A/R 1999 SC 1351. However, this aspect is relevant while considering relief to the workman. There is No specific evidence that claimant is out of employment since 2004. Therefore, no back wage can be awarded to him

13. As a sequel to my above discussion, it is held that termination of the services of the claimant, is not legal nor justified and the same is violation of provision of 25-F of the Industrial Dispute Act. The claimant is liable to be reinstated without payment of back wages and management is at liberty to make recovery of Rs.32,386/- from the salary of the claimant. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Dated : February 02, 2017

A.C. DOGRA, Presiding Officer

नई दिल्ली, 20 मार्च, 2017

का.आ. 837.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आयुक्त, एमसीडी (पूर्व), नई दिल्ली एवं उनके कर्मचारी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय सं. 1, दिल्ली के पंचाट (संदर्भ संख्या 74/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14/12/2016 को प्राप्त हुआ था।

[सं. एल-42011/143/2014-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 20th March, 2017

S.O. 837.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (ID. Case No. 74/2015) of the Central Government Industrial Tribunal cum Labour Court No. 1, Delhi as shown in the Annexure, in the Industrial dispute between the employers in relation to the Commissioner, MCD (East), New Delhi and their workman, which was received by the Central Government on 14/12/2016.

[No. L-42011/143/2014-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXUE

IN THE COURT OF SHRI AVTAR CHAND DOGRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO.1, KARKARDOOMA COURT COMPLEX, DELHI

ID No.74/2015

Shri Inder Pal Singh, S/o Shri Khajan Singh, through
MCD General Mazdoor Union,
Room No.95, Barrack No.1/10,
Jam Nagar House,
New Delhi

...Workman

Versus

The Commissioner,
Municipal Corporation of Delhi(East),
Udyog Sadan, near Patparganj,
Jawaharlal Nehru Marg,
New Delhi 110 092

...Management

AWARD

Reference under Section 10 sub section (2A) of the Industrial Disputes Act, 1947(in short the Act) was received from the Central Government, Ministry of Labour and Employment vide it orders No.L-42011/143/2014-IR(DU) dated 05.02.2015 for adjudication of the industrial dispute with the following terms:

‘Whether Shri Inder Pal Singh S/o Shri Khajan Singh, is entitled to the status of Chaudhary with effect from the date on which any order was passed wherein Shri Inder Pal Singh was given responsibility of looking after the work of Chaudhary and all consequential benefits revised from time to time?’

2. Both the parties were put to notice and the workman Shri Inder Pal Singh filed his statement of claim, wherein it is alleged that he has been allotted work of Chaudhary with effect from 01.03.1989 by the competent officers of Horticulture Department of Civil Lines Zone where he performed his duty upto 18.06.2009. Thereafter he was transferred to Rohini zone and on 01.07.2010, he was posted to Shahdara North Zone. However, he has been denied pay scale of Chaudhary, revised from time to time. The workman has got payment of salary in the lower pay scale of mali, i.e. Rs.750-940 instead of Rs.950-1500 revised from time to time and has been denied the scale of Chaudhary, effect from 01.03.1989. Action of the management is alleged to be illegal & unjustified and amounts to unfair labour practice.

3. It is also averred in para 7 of the statement of claim that Hon'ble High Court, Delhi, in the matter of Jai Chand vs Municipal Corporation of Delhi (CW 6514/2001) has disapproved the non-payment of wages for those malis who are working on the post of Chaudhary vide its judgement dated 02.05.2003. After the above judgement of the

Hon'ble Court, Municipal Corporation of Delhi (Horticulture Department) has also issued order No. ADC(Hor.)/AO(Hort)/DA-VII/05/457 dated 04.03.2005 (Annexure B). There is also reference to the judgment of Division Bench of High Court of Delhi in the matter of Municipal Corporation of Delhi vs. Sultan Singh wherein also plea of the MCD regarding non-payment of wages of Chaudhary to malis who are doing working of Chaudhary, was turned down by the Hon'ble High Court in judgement dated 27.07.2011.

4. It is also averred that similar situated workmen who were performing duty of Chaudhary were granted pay scale of Chaudhary from the date when they were asked to perform duty on the higher post and management has challenged the order dated 27.07.2011 of the Labour Court in the matter of MCD vs Sultan Singh as well as before the Hon'ble Supreme Court of India by Special Leave to Appeal No.S20069/2011 and the plea by MCD has been dismissed by both, before the High Court as well as the Hon'ble Supreme Court. Workman, herein, is also similarly situated and doing work of Chaudhary and as such, entitled to same benefits.

5. Management has demurred claim of the workman by taking preliminary objections, inter alia, present dispute not being an industrial dispute as there is no espousal & no demand notice has been served upon the management, claim being misconceived, claim being stale etc. In para 3 of the preliminary objection, it is admitted that the workman herein was engaged on the post of mali on daily wage basis and was later on regularized on the same post of mali. There is prescribed procedure for promotion to the post of Garden Chaudhary and there must be sanctioned/vacant post of Garden Chaudhary to which the workman can lay claim when he has passed trade test conducted by the department. Claimant has not passed the said trade test nor is he performing duties of Garden Chaudhary. No such office order has been issued by the competent authority. It is further alleged that the workman herein is not entitled for any relief on account of delay and laches and reliance is also put on judgements of the Apex Court in the case of 'Nedungadi Bank Limited Vs. K.P. Madhavankutty & ors' (2002 (2) SC 4) and State Co-op Land Development Bank Vs. Neelam (2005) 5 SC 91). Management, on merits, have denied material averments and reiterated that the workman herein appeared in the trade test conducted by Education Consultant India Limited on behalf of the management, in which the workman had secured 140th rank. It is, further submitted that only 50 employees were promoted to the post of Chaudhary, who were having requisite qualification as well as secured rank upto 50. It is also denied that the workman herein was performing duties of Chaudhary with effect from 01.03.1989. Accordingly, it is prayed that claim of the workman herein is liable to be dismissed, being devoid of merits.

6. Against this factual background, the Tribunal, on the basis of pleadings of the parties, framed the following issues:

- (i) Whether reference is not maintainable, as alleged in the preliminary objections?
- (ii) As in terms of reference

Findings on Issue No.(i)

7. Admittedly, in the present case, reference has been made under Section 10 sub Section (2A) of the Act for adjudication. It is now well settled position in law that when a reference has been made for adjudication to the Tribunal or Labour Court, as the case may be, it is paramount duty of the court to decide the same on merits, irrespective of the pleas taken by the management. The dispute in the case in hand cannot be said to be stale for the simple reason that there is no previous adjudication of the matter between the parties from a competent court nor that there is inordinate delay in approaching this Tribunal by the workman.

8. It has been held by the Hon'ble Apex Court in the case of Raghbir Singh vs. General Manager (2014) Lab.I.C. 4266 = (2014) 10 SCC 301 that a reference for adjudication to the Industrial Tribunal can be made by the appropriate Government at any time and provisions of Limitation Act does not apply. There are clear observations in the above judgement that industrial dispute is to be decided by the Tribunal or Labour Court on merits, irrespective of the pleadings on limits. Therefore, ratio of law in the case of 'Nedungadi Bank Limited Vs. K.P. Madhavankutty & ors' (supra) and State Co-op Land Development Bank Vs. Neelam (supra) is not applicable to the case in hand as there is no inordinate delay nor workman is guilty of delay and laches in approaching the court.

9. It is clear from the preliminary objections taken in the written statement by the management that the management has raised objections that no demand notice has been served upon the management nor the MCD General Mazdoor Union has any locus standi to raise the present dispute as the union is not a recognized union of the management. To my mind, there is no requirement of law that a dispute can be raised only by a recognized union. In this regard, it is appropriate to refer to the judgement of the Hon'ble Apex Court in the case of State of Bihar Vs. Kripa Shankar Jaiswal (AIR 1961 (2) SC Report 1) wherein also objection was taken on behalf of the management that the union was not a registered under the Trade Union Act on the date of the settlement and said plea was rejected by observing as under:

'Held, that for a dispute to constitute an industrial dispute it is not a requisite condition that it should be sponsored by a recognized union or that all the workmen of an industrial establishment should be parties to it. A settlement arrived at in course of conciliation proceedings falls within [Section 18\(3\)\(a\)](#) and (d) of the [Industrial](#)

[Disputes Act](#) and as such binds all the workmen though an unregistered union or only some of workmen may have raised the dispute. The absence of notice under [Section 11\(2\)](#) by the Conciliation Officer does not affect the jurisdiction of the conciliation officer and its only purpose is to apprise the establishment that the person who is coming is the conciliation officer and not a stranger. Any contravention of [Section 12\(6\)](#) in not submitting the report within 14 days may be a breach of duty on the part of the conciliation officer ; it does not affect the legality of the proceedings which terminated as provided in [Section 20\(2\)](#) of the Act.

10. Equally merit-less is the plea taken by the management that the present dispute is no sponsored or espoused by substantial number of workmen. It is fairly settled position in law that even non-espousal of a case by the union would not deprive the workman of the relief to which the workman is otherwise entitled under the law. Such view appears to have been taken in the case of *Nazrul Hassan Siddiqui vs. Presiding Officer, Industrial cum Labour Court Bombay* (1997) Lab.I.C. 1807. In the above cited case also contention was raised by the management that the dispute does not fall within the definition of 'industrial dispute' and the same has not been referred or supported by substantial section of workmen. High Court rejected the plea of the management by placing reliance upon the decision of the Hon'ble Supreme Court in the case of *Associated Cement Companies Ltd. (AIR 1960 SC 777)*, which it was observed as under:

'We have already noticed that an industrial dispute can be raised by a group of workmen or by a union even though neither of them represent the majority of the workmen concerned; in other words, the majority rule on which the appellant's construction of Section 19(6) is based is inapplicable in the matter of the reference under Section 10 of the Act. Even a minority group of workmen can make a demand and thereby raise an industrial dispute which in a proper case would be referred or adjudication under Section 20.'

11. In view of the ratio of the judgement discussed above, it is clear that espousal of a dispute by the union is not sine qua non for adjudication of such dispute in terms of Section 10 of the Act. Consequently, this issue is decided in favour of the workman and against the management.

Findings on Issue No.(ii)

12. Now, the main issue which requires determination in the case in hand is whether the workman herein is entitled for grant of pay scale of Rs.950-1500 as revised from time to time alongwith consequential benefits. It is clear from pleadings of the parties that initially the workman herein was appointed as mali on daily wage basis and later on he was regularized on the same post of mali in the pay scale of Rs.750-940(pre-revised) alongwith usual allowances. This fact has been admitted even by the management in para 3 of the preliminary objections.

13. There is also ample evidence on record that the workman herein was performing duty as officiating Chaudhary. It is clear from perusal of document dated 12.08.2004 (List of Chaudharys looking after Garden Chaudhary in Horticulture Department) Ex.WW1/1 that name of the workman, Shri Inder Pal finds mention at serial No.3 and working as Chaudhary since March 1989. Workman, in order to prove his case, has tendered in evidence his affidavit Ex.WW1/A, wherein material averments contained in statement of claim has been reiterated. It is specifically alleged in the affidavit that he was doing work of acting Chaudhary with effect from 01.03.1989. There are also averments in his affidavit that one Shri Jai Chand has also been granted pay scale of Chaudhary by the management of MCD and Sultan Singh and others vs. MCD, who were doing work of acting Chaudhary, vide judgement of the Hon'ble High Court, i.e. in the case of *MCD vs. Sultan Singh & others* and necessary orders for implementation of the said judgement were issued by MCD vide order dated 04.06.2013. There is no cross examination of the workman/deponent that he has appeared as WW1 and has tendered in evidence a copy of his identity card, which is Ex.WW1/2. It is evident from perusal of the Identity Card that against the column 'Designation', there is mention of workmen Chaudhary, Horticulture.

14. There is no merit in the stand taken by the management in its reply, that the workman here is not entitled for promotion to the post of Chaudhary inasmuch as he has not appear in the trade test conducted by the department. To my mind, this plea is devoid of any merit inasmuch as similarly situated other workers who were performing duties of Chaudhary, i.e. acting Chaudhary have been granted pay scale of Garden Chaudhary after judgement dated 27.07.2011 rendered by the Hon'ble High Court in the case of *MCD vs. Sultan Singh* as well as *MCD vs. Mahipal*(WP 5550 of 2010). Operating portion of the judgement in *Sultan Singh* (supra) of the Hon'ble Division Bench is as under:

"28. Considering the entire facts and circumstances it is apparent that the claim of the respondents have always been that they should be paid the difference in pay of Mali/Chowkidar and the Garden Chaudhary as they were made to work on the post of Garden Chaudhary whereas the petitioner had first denied that they worked as Garden Chaudharies, then took the plea that the Assistant Director (Horticulture) was not competent to ask the respondents to work as Garden Chaudharies and that the respondents cannot be appointed to the post of Garden Chaudharies in accordance with the recruitment rules. There is no doubt that respondents are not claiming appointment to the post of Garden Chaudharies on account of having worked on ad-hoc basis on the post of Garden Chaudhary contrary to rules or that some of them not having the requisite qualifications are entitled for relaxation.

29. In the entirety of facts and circumstances therefore, the learned counsel for the petitioner has failed to make out any such grounds which will impel this Court to exercise its jurisdiction under Article 226 of the Constitution to set aside

the orders of the Tribunal dated 29th January, 2010 and 7th October, 2010 as no illegality or un-sustainability or perversity in the orders of the Tribunal has been made out.

30. The writ petition is, therefore, dismissed. Parties are left to bear their own cost.”

15. It is further clear that SLP was also filed by MCD before the Hon’ble Apex Court vide IA No.2 WP for special leave S20069/2011 MCD vs. Sultan Singh and others which was also dismissed as withdrawn vide order dated 09.04.2012. It is further clear that the Hon’ble High Court in Sultan Singh case strongly deprecated the stand taken by the management that the workmen were not possessing requisite qualification or have not qualified the test etc. It was clarified that since the workmen were discharging duties to the post of Garden Chaudhary, a such, workmen were entitled for the salary of Garden Chaudhary and competent authority need not look into anything else except the fact that the workman had worked as Garden Chaudhary. Therefore, stand taken by the management that the workman herein could not qualify the test conducted by Education Consultant India Limited is without any merit and has no relevance so far as question of grant of salary against the post of Garden Chaudhary is concerned.

16. It is not out of place to mention here that even if the workman herein was not a party in Sultan Singh case referred above, judgement of the Hon’ble High Court is binding on the management and management is required to implement the same in letter and spirit and the same is judgement in rem, and all similarly situated workmen are required to be accorded the benefit of the said judgement of the Hon’ble High Court, which have become final. There is no question of even plea of delay and laches when management had not led any evidence to prove the same. The Hon’ble High Court has decided an abstract proposition of law, i.e. a mali who is performing duty as officiating/acting Chaudhary is entitled to the salary/wages of Chaudhary. Law is fairly settled that if a person is working on a higher post, on adhoc or temporary basis, even such workman is entitled to salary/wages of higher post, unless rules or regulations specifically provides otherwise. I find support to this view from Secretary vs. Lieutenant Governor Port Blair (1998 Lab.I.C. 598), yet in another case, Hon’ble Apex Court while considering that question of grant of benefits to similarly situated employees who were not party to the writ petition or lis in the case of State of Uttar Pradesh vs. Arvind Kumar Srivastava (2015) 1 SCC 347 observed as under:

“The moot question which requires determination is as to whether in the given case, approach of the Tribunal and the High Court was correct in extending the benefit of earlier judgment of the Tribunal, which had attained finality as it was affirmed till the Supreme Court. The legal principles that can be culled from the judgments, cited both by the appellants as well as the respondents, can be summed up as under:

(1) Normal rule is that when a particular set of employees is given relief by the Court, all other identically situated persons need to be treated alike by extending that benefit. Not doing so would amount to discrimination and would be violative of [Article 14](#) of the Constitution of India. This principle needs to be applied in service matters more emphatically as the service jurisprudence evolved by this Court from time to time postulates that all similarly situated persons should be treated similarly. Therefore, the normal rule would be that merely because other similarly situated persons did not approach the Court earlier, they are not to be treated differently.

(2) However, this principle is subject to well recognized exceptions in the form of laches and delays as well as acquiescence. Those persons who did not challenge the wrongful action in their cases and acquiesced into the same and woke up after long delay only because of the reason that their counterparts who had approached the Court earlier in time succeeded in their efforts, then such employees cannot claim that the benefit of the judgment rendered in the case of similarly situated persons be extended to them. They would be treated as fence-sitters and laches and delays, and/or the acquiescence, would be a valid ground to dismiss their claim.

(3) However, this exception may not apply in those cases where the judgment pronounced by the Court was judgment in rem with intention to give benefit to all similarly situated persons, whether they approached the Court or not. With such a pronouncement the obligation is cast upon the authorities to itself extend the benefit thereof to all similarly situated person. Such a situation can occur when the subject matter of the decision touches upon the policy matters, like scheme of regularization and the like (see [K.C. Sharma & Ors. v. Union of India](#) (supra)). On the other hand, if the judgment of the Court was in personam holding that benefit of the said judgment shall accrue to the parties before the Court and such an intention is stated expressly in the judgment or it can be impliedly found out from the tenor and language of the judgment, those who want to get the benefit of the said judgment extended to them shall have to satisfy that their petition does not suffer from either laches and delays or acquiescence.”

17. In view of the discussions made herein above, it is held that the workman herein, Shri Inder Pal Singh is entitled to the pay scale of Garden Chaudhary with effect from March 1989 and as a corollary, management is liable pay the difference of wages of mali vis-a-vis Garden Chaudhary from the date when the workman herein was performing duties and functions of Garden Chaudhary till date. An award is accordingly passed. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Dated : December 6, 2016

A.C. DOGRA, Presiding Officer

नई दिल्ली, 20 मार्च, 2017

का.आ. 838.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आयुक्त, एमसीडी, नई दिल्ली एवं उनके कर्मचारी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय सं. 1, दिल्ली के पंचाट (संदर्भ संख्या 193/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08/01/2017 को प्राप्त हुआ था।

[सं. एल-42025/03/2017-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 20th March, 2017

S.O. 838.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (ID. Case No. 193/2012) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Delhi as shown in the Annexure, in the Industrial dispute between the employers in relation to the Commissioner, MCD, New Delhi and their workman, which was received by the Central Government on 08/01/2017.

[No. L-42025/03/2017- IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE

IN THE COURT OF SHRI AVTAR CHAND DOGRA, PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT No. 1, KARKARDOOMA COURT COMPLEX, SHAHDRA, DELHI- 32

ID No. 193/2012

Shri Jai Pal S/o Sh. Murli,
Delhi Municipal Karamchari Ekta Union,
780, Bali Maran, Chandni Chowk,
Delhi – 110006

...Workman

Vs.

The Commissioner,
Municipal Corporation of Delhi,
Town Hall, Chandni Chowk,
Delhi – 110006

...Management

AWARD

In the present case a reference was received from government of India under clause (d) of sub-section (1) and sub-section (2 A) of the Section 10 of the industrial Disputes Act, 1947 (in short the act) for the adjudication of industrial dispute the term of which are as under:

- “1. Whether Sh. Jai Pal S/o Murli is entitled to the pay-scale of Rs.260-400/- and the corresponding revised pay-scales under the various pay-commission and the ACP Scheme and consequential benefits and if so from which date and what directions are necessary in this respect?
2. To what pay-scale the workman is entitled as first up-gradation and second up-gradation under the ACP scheme and from which date and whether the demand of the union for counting the daily wages service while calculating the period under the ACP scheme is legal and justified and if so its effects?
3. Whether the said workman is also entitled to have its half of his muster-roll service counted for the purpose of pensionary benefits?”

2. It is averred by the claimant that he was initially employed of MCD as a Mason on 15/04/1970 on regular Muster-roll. The claimant continued in service without any break to the satisfaction of the management till 01/04/1978 on the minimum wages of skilled category. The service of claimant was regularized on the post of Mason as per regularization policy of the management. The management erroneously later on provided to the claimant Pay-Scale of Rs. 210-270(revised to Rs. 850-1150 in the 4th pay commission and to Rs. 2650-4000 in the 5th pay commission). The pay scale of the posts of Carpenter, Painters, Masons was Rs. 260-400/-. It is alleged by the claimant that similar Masons doing the same work were given the pay scale of Rs. 260-400/- and their pay scale was revised from time to time. All the Carpenters, Painters and Masons in the Horticulture department and CSE department were given the pay-scale of Rs. 260-400/-. It is the case of claimant that several co-workmen and his juniors raised industrial disputes and got the pay scale of Rs. 260-400/- which was revised from time to time and 5th pay commission awarded the pay scale

of Rs. 3050-4590/-. The standing committee of the corporation in its resolution No. 682 dated 13.12.1973 had accepted the recommendations of 3rd Pay-commission and the MCD also issued an office order dated 01/04/1982 thereby revising the pay-scales of the post of Carpenters, Masons, Painters, etc. to Rs. 260-400/- w.e.f. 01/01/1973. The MCD also issued an office order No. VIII/(123)/ECIV/AC(EnGG.)/82/213/2052 dated 12/07/1982 thereby abrogating the distinction of senior and junior posts and merging the said posts in the pay scale of Rs. 260-400/-. The only pay scale of the posts of Painters, Masons and fitters and carpenters remained in existence which was Rs. 260-400/-.

3. The claimant has further alleged that action of the management is not granting the pay scale of Rs. 260-400/- and corresponding pay scales under various pay commissions and ACP Scheme is illegal, arbitrary and unjustified and amounts to unfair labour practice. There was no difference in the nature of work, duty hours and responsibilities of the workman concerned as well as other Masons who have been granted the pay-scales of Rs. 260-400/- by the MCD. Therefore, the action of the management of the MCD in granting different pay-scales in different department and within the same department for the same posts of Mason, Carpenters, Fitters, painters etc. doing the same duties and there being no difference in the nature of work, was illegal and unjustified.

4. The claimant also approached the management for revision of the pay-scales and removed the above anomalies so as to grant the similar pay-scales to Masons, Carpenters, etc.. The management had also adopted ACP scheme in the year 2004. Lastly, a prayer has been made by the claimant to pay the pay-scale of Rs. 260-400/- (3rd Pay-commission) w.e.f. 01/04/1978 and corresponding revised pay-scales as well as two up-gradation with other benefits.

5. The management was put to notice, who had filed written statement to the statement of claim taking various preliminary objections. It is denied that workman was working in skilled category. He was initially engaged as Mason and later on regularized on the said post in the pay-scale of Rs. 210-270/- w.e.f. 01/04/1978. It is also denied that Carpenters, Masons and Painters in Horticulture department and CSE department were given the pay-scale of Rs. 260-400/-. It is also denied that several co-workers or juniors of the claimant have got the pay-scales of Rs. 260-400/- or corresponding revised pay-scales. It is further submitted that claim of the workman for the revised pay scale is not justified.

6. Against this background, this tribunal on the basis of the pleading of the parties vide order dated 13/09/2013, framed the following issues:

- (i) Whether dispute has not acquired status of an industrial dispute for want of espousal by the union or considerable number of workmen in the establishment of the management?
- (ii) Whether dispute has not acquired status of an industrial dispute for want of service of demand notice?
- (iii) Whether delay in raising the dispute frustrates the claim?
- (iv) As in terms of reference.

7. Thereafter, the case was listed for the evidence of the claimant who did not turn up nor filed his affidavit in support of the averments made in the statement of claim. More than dozen opportunities have been granted for the evidence of the claimant which shows that claimant is not interested in the adjudication of the case on merits. In such circumstances, when there is no evidence adduced by the claimant to support and prove the averments made in the statement of claim, this tribunal is left with no choice except to pass a no contest/no claim award and Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Date: 12/01/2017

A.C. DOGRA, Presiding Officer

नई दिल्ली, 24 मार्च, 2017

का.आ. 839—कर्मचारी राज्य बीमा निगम 1948 (1948 का 34)की धारा-1 की उप धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 अप्रैल, 2017 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-IV (44 व 45 धारा के सिवास जो पहले से प्रवृत्त हो चुकी है) अध्याय-V और VI (धारा-76 की उप धारा-(1) और धारा-77, 78,79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबंध असम राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्

राज्य	जिला	निम्नांकित के अंतर्गत आने वाले सभी क्षेत्र
असम	लखीमपुर	उत्तर लखीमपुर नगरपालिका बोर्ड
असम	उदलगुडी	उदलगुडी टाउन कमिटी
असम	शिवसागर	i शिवसागर नगरपालिका बोर्ड ii नजीरा नगरपालिका बोर्ड

[सं.एस-38013/02/2017-एस.एस.1]

अजय मलिक, अवर सचिव

New Delhi, the 24th March, 2017

S.O. 839.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st April, 2017 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI (except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Assam namely: -

Sl. No.	STATE	DISTRICT	ALL THE AREAS FALLING UNDER
1.	ASSAM	LAKHIMPUR	NORTH LAKHIMPUR MUNICIPAL BOARD
2.	ASSAM	UDALGURI	UDALGURI TOWN COMMITTEE
3.	ASSAM	SIVASAGAR	I. SIVASAGAR MUNICIPAL BOARD II. NAZIRA MUNICIPAL BOARD

[No. S-38013/02/ 2017-S.S.I]

AJAY MALIK, Under Secy.

नई दिल्ली, 27 मार्च, 2017

का.आ. 840.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईसीएल के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 46/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/03/2017 को प्राप्त हुआ था।

[सं. एल. 22012/340/2003—आई. आर. (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 27th March, 2017

S.O. 840.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 46/2004) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court, ASANSOL* as shown in the Annexure, in the industrial dispute between the management of *M/s ECL*, and their workmen, received by the Central Government on 17/03/2017

[No. L-22012/340/2003 - IR(CM-II)]

RAJENDER SINGH, Section Officer

ANNEXUE**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL.****PRESENT :** Sri PRAMOD KUMAR MISHRA, Presiding Officer**REFERENCE NO. 46 OF 2004****PARTIES :** The management of Narsamuda Colliery of M/s. ECL

v/s

Sri Somnath Majhi

REPRESENTATIVES :

For the management : Sri P. K. Das, Learned Advocate

For the union (Workman) : Sri Rakesh Kumar, Union Representative

INDUSTRY: COAL STATE : WEST BENGAL

Dated : 14.03.2017

AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/340/2003–IR(CM-II) dated 16.08.2004 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Narsamuda Colliery of ECL in dismissing Shri Somnath Majhi, U. G. Loader under Narsamuda Colliery from services w.e.f. 6.9.2002 vide Order No. NSP/C-6/Dismissal/02/450 dated 6.9.2002 is legal and justified? If not, to what relief he is entitled to? ”

1. Having received the Order No. L-22012/340/2003–IR(CM-II) dated 16.08.2004 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference Case No. 46 of 2004 was registered on 26.08.2004. Accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned, directing them to appear in the court, on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned. Both the parties appeared in the Tribunal, through their representative.

2. The workman Sri Somenath Majhi has stated in his written statement that he was Under Ground Loader at Narsamuda Colliery under Sodepur Area of M/s. Eastern Coalfields Limited as permanent workman of the company having U.M. No. 131510. He was charge sheeted on 29.01.2002 for his absence w.e.f. 23.04.2001. He replied the Chargesheet. During enquiry workman stated that he was sick and due to his sickness he could not attend his duty. He filed treatment papers and certificates issued by S.D. Hospital. The charges of habitual absence are after thought of the management. This can be verified form the Chargesheet. The management awarded him the highest and extreme punishment of dismissal which is disproportionate to the nature of offence. Punishment should always be proportionate to the nature of offence. The absence of workman was due to his illness which was beyond his control. Therefore management should not take harsh decision of dismissal. Sri Somenath Majhi is a young man. He has no source of income for maintaining his livelihood. Management can allow lesser punishment other than dismissal. He is single bread-earner of his family. The workman prayed that Sri Somenath Majhi, Under Ground Loader should be reinstated with full back wages with other consequential benefits.

3. The Narsamuda Colliery under Sodepur Area of M/s. Eastern Coalfields Limited, after service of notice and after passing of many years did not file written statement.

4. Workman has filed the following documentary evidences :-

(i) Photocopy of the Chargesheet and Reply of the workman, (ii) Photocopy of the Enquiry Proceedings and findings of the Enquiry officer, (iii) Photocopy of the Treatment Certificate issued by the Sub-Divisional Hospital, Asansol, (iv) Photocopy of the Treatment Papers of the Hospital, (v) Photocopy of the Dismissal Letter issued by the Manager of Narsamuda Colliery under Sodepur Area of M/s. Eastern Coalfields Limited.

Workman Sri Somnath Majhi has filed affidavit in his oral evidence. He has not cross-examined by the management.

The management of Narsamuda Colliery under Sodepur Area of M/s. Eastern Coalfields Limited has not filed any documentary or oral evidence.

5. I have heard the arguments of Sri Rakesh Kumar, learned union representative appearing on behalf of the workman Sri Somnath Majhi and Sri P. K. Das, learned advocate appearing on behalf of the management of Narsamuda Colliery under Sodepur Area of M/s. Eastern Coalfields Limited.

6. Sri Rakesh Kumar, learned union representative for the workman has argued that the workman was absence for mere a period of 9 Months and 5 Days due to his sickness. He has been treated by S.D. Hospital. Punishment of dismissal is quite disproportion to the so called misconduct. Sri P. K. Das, learned advocate appearing on behalf of the management has argued that the punishment of dismissal of the workman from services of the company is legal and justified. I have perused the record.

7. When a person has entered into the position of a servant he is duty bound to discharge his duty diligently and faithfully. A workman owes a duty to his employer to exercise reasonable care in the performance of his duty. If workman by his own conducts prevents himself from performing his duty diligently and faithfully, the employer may proceed disciplinary action against the erring workman. Before a workman can be said to be guilty of misconduct it has to be proved and shown by fair domestic enquiry. Clause 26.29 of Certified Standing Order prescribes:-

“Absence from duty beyond 10 days without sanctioned leave or sufficient cause or overstaying beyond sanctioned leave without valid reason. ”

If any workman absented himself unauthorizedly from duty for 10 days or more without sanction leave, he can be punished after domestic enquiry. From perusal of record it is apparent that the Agent of Narsamuda Colliery under Sodepur Area of M/s. Eastern Coalfields Limited has conducted domestic enquiry against the delinquent workman, Sri Somnath Majhi before passing the order of punishment of dismissal.

8. The delinquent workman, Sri Somnath Majhi has not challenged the enquiry proceeding in his written statement. Even he has not uttered a single word regarding prejudice or bias in connection with the enquiry. He has participated in the enquiry proceeding. His signatures are present in the enquiry proceeding. Since the delinquent workman Sri Somnath Majhi has not challenged the domestic enquiry or stated that the domestic enquiry is vitiated due to non-compliance of principles of natural justice. Therefore enquiry proceeding and its report will be deemed to be unbiased and un-vitiated.

9. So far as question of harsh or disproportionate punishment is concerned the delinquent workman Sri Somnath Majhi has himself admitted in his explanation that “*I was absenting from my duty unauthorisedly.....No male member in my family to look after me and send information in time regarding my sickness.*” From statement of delinquent workman it is apparent that not only he has admitted the factum of unauthorized absence from duty, but also he did not sent information to the Agent of Narsamuda Colliery under Sodepur Area of M/s. Eastern Coalfields Limited.

10. From perusal of the Enquiry Report it is clear that he has been absent 101 days in the year 1998, 79 days in the year 1999 and 13 days in the year 2000. He has been habitual absentee.

11. In view of the discussion above the action of the management of Narsamuda Colliery under Sodepur Area of M/s. Eastern Coalfields Limited in dismissing Sri Somnath Majhi, U.G. Loader under Narsamuda Colliery under Sodepur Area of M/s. Eastern Coalfields Limited from services w.e.f. 06.09.2002 is legal and justified. The workman is not entitled to any relief.

ORDER

Let an “Award” be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 27 मार्च, 2017

का.आ. 841.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय आसनसोल के पंचाट (संदर्भ संख्या 102/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/03/2017 को प्राप्त हुआ था।

[सं. एल-22012/44/1999-आई. आर. (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 27th March, 2017

S.O. 841.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 102/1999) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court, ASANSOL* as shown in the Annexure, in the industrial dispute between the management of *M/s ECL*, and their workmen, received by the Central Government on 17/03/2017

[No. L-22012/44/1999 - IR(CM-II)]

RAJENDER SINGH, Section Officer

ANNEXUE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT : Sri PRAMOD KUMAR MISHRA, Presiding Officer

REFERENCE No. 102 OF 1999

PARTIES : The management of Chinakuri Colliery of M/s. ECL

v/s

Sri Baijnath Singh & 7 Others

REPRESENTATIVES :

For the management : Sri P. K. Goswami, Learned Advocate

For the union (Workman) : Sri Sayantan Mukherjee, Learned Advocate

INDUSTRY: COAL STATE : WEST BENGAL

Dated : 10.03.2017

AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/44/99–IR(CM-II) dated 30.07.1999 / 03.08.1999 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Chinakuri Colliery of Sodepur Area of M/s. ECL in not paying the wages in lieu of leave due to S/Sh. Baijnath Singh, Ajit Singh, Nazir Ahamad, M. Bagchi, Ram Nath Nonia, Asrafi Das, Ram Samuj Harijan and Gouri Shankar Mistri at the time of their superannuation is legal and justified? If not, to what relief the workmen are entitled? ”

1. Having received the Order NO. L-22012/44/99–IR(CM-II) dated 30.07.1999 / 03.08.1999 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference Case No. 102 of 1999 was registered on 18.08.1999 / 20.09.2001. Accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned, directing them to appear in the court, on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned. Both the parties appeared in the Tribunal, through their representative.

2. The workmen Sri Baijnath Singh, Sri Nazir Ahammad, Sri M. Bagchy, Sri Ram Nath Nunia, Sri Asrafi Das, Sri Ram Samuj Harijan and Sri Gouri Shanker Mistri have alleged in their written statement that the workmen can accumulate their Earned Leave up to 80 (Eighty) days as per National Coal Wage Agreement – V, Para 6.3. As per provisions of Mines Act Section 51 (10), the superannuated workmen get their wages in lieu of their due leave. Any implementation instruction or agreement can not supersede the Act or Law. Instruction No. 6.1 can not override the law they are entitled for wages in lieu of their leave due to them. They have mentioned the days of each workmen in their written statement. The workmen have prayed that the Tribunal may kindly pass Award regarding wages in lieu of leave.

3. The Agent of Chinakuri Colliery of M/s. Eastern Coalfields Limited has stated in his written statement that all the persons were duly superannuated after attaining the age of superannuation and it was communicated to them well in time. The management requested these workmen to avail their due leave as per provision of National Coal Wage Agreement implementation instruction 6.1. The workmen should avail the due leave during their service period. The ex-workmen did not avail their due leave. Now they can not claim encashment in lieu of their due leave in absence of any specific provisions of Act. There is no ground to discard the implementation instruction No. 6.1. The demand of the union for encashment of leave is entirely ultra-vires to the provision enshrined in the National Coal Wage Agreement – V, though they are bound by the provisions of the agreement. The Agent of Chinakuri Colliery of M/s. Eastern Coalfields Limited has prayed that action of management is legal and justified.

4. The workmen have filed the following documentary evidences :-

(i) Photocopy of the Superannuation Notice, (ii) Photocopy of the Mines Act, Section 52 (10), (iii) Photocopy of the CIL Circular No. CIL/C-5B/JBCCI-V/I.I.No.16/96/663 dated 20.09.1996, (iv) Photocopy of the Letter of D. K. Shrivastava, Personnel Manager (IR)

The workman Sri Ajit Singh has filed affidavit in his oral evidence. He has been cross-examined by the learned advocate of the management.

The management of Chinakuri Colliery of M/s. Eastern Coalfields Limited has not filed any documentary or oral evidence.

5. Sri Sayantan Mukherjee, learned advocate on behalf of the workmen never appeared for the period of more than 2 years even after service of notice. Therefore the Tribunal had no option but to reserve the reference for Order. Sri P. K. Goswami, learned advocate is present on behalf of management of Chinakuri Colliery of M/s. Eastern Coalfields Limited.

6. I have heard Sri P. K. Goswami, learned advocate appearing on behalf of the management. Sri P. K. Goswami has argued that as Instruction No. 6.1, the superannuated workmen are not entitled for wage in lieu of leave due to them, because as per instruction of management they did not avail their due leave in their service period. I have perused the record.

7. It is admitted fact that 8 (Eight) workmen namely : Sri Baijnath Singh, Sri Ajit Singh, Sri Nazir Ahmad, Sri M. Bagchi, Sri Ram Nath Nunia, Sri Asrafi Dass, Sri Ram Samuj Harijan and Sri Gouri Shankar Mishra have superannuated on their due dates. As per allegation of superannuated workmen the wages in lieu of due leave is still unpaid to them by the management of Chinakuri Colliery of M/s. Eastern Coalfields Limited. The superannuated workmen have claimed their entitlement for wages in lieu of due leave on basis of Mines Act. The Agent of Chinakuri Colliery of M/s. Eastern Coalfields Limited has not filed the Instruction 6.1 of National Coal Wage Agreement.

8. The National Coal Wage Agreement – IV, Rule 6.3 authorizes workman for accumulation of earned leave / annual leave with wages up to level of 70 (Seventy) days. Rule 6.1 of the National Coal Wage Agreement - IV prescribes that annual leave with wages will be continued to be governed by the provisions of Mines Act. The Agent of Chinakuri Colliery of M/s. Eastern Coalfields Limited has also relied on the Instruction No. 6.1 of National Coal Wage Agreement. Section 10 of Mines Act provides as under :-

“Where a person employed in a mine discharged or dismissed from service or quits his employment is superannuated or dies while in service, he or his heirs or his nominee, as the case may be shall be entitled to wages in lieu of leave due to him calculated at the rate specified in sub section (1). ”

9. Therefore as per Mines Act the superannuated workmen are entitled for wages in lieu of due leave due up to maximum limit of 70 (Seventy) days. As per allegation of workmen in their written statement Sri Baijnath Singh has 8 days, Sri Ajit Singh has 54 days, Sri Nazir Ahamad has 20 days, Sri N. Bagchi has 12 days, Sri Ram Nath Nonia has 7 days, Sri Asrafi Das has 13 days, Sri Ram Samuj Harijan has 14 days, Sri Gouri Shanker Mistri has 23 days due leave at the time of their superannuation. Therefore they are entitled for wages in lieu of due leave.

10. The workmen have filed copies of letter issued by the Agent / Manager of Chinakuri Colliery of M/s. Eastern Coalfields Limited instructed the workmen to avail the leave before retirement. But the workmen opted for wages in lieu of leave. It is settled law that Administrative Instruction / Order can not override the legal provisions. The superannuated workmen are entitled for wages in lieu of leave as per Section 10 of Mines Act. The administrative direction to utilize their leave before retirement can not override the Act. The Hon’ble Supreme Court in Public Service Commission, Utranchal and Jagdish Chandra Singh Bora and others, 2014 (141) FLR 966 has held that :-

“ It is settled proposition of law that executive orders can not supplant the rules framed under the proviso to Article 309 of the Constitution of India. ”

Therefore in view of law laid down by the apex court. The administrative direction to avail the earned leave before retirement can not override the Mines Act. The workmen are entitled for wages in lieu of their due leave.

11. In view of above discussion the action of management of Chinakuri Colliery of M/s. Eastern Coalfields Limited in not paying the wages in lieu of leave due to Sri Baijnath Singh, Sri Ajit Singh, Sri Nazir Ahmad, Sri M. Bagchi, Sri Ram Nath Nunia, Sri Asrafi Dass, Sri Ram Samuj Harijan and Sri Gouri Shankar Mishra at the time of their superannuation is illegal and unjustified. The workmen are entitled for wages in lieu of their due leave respectively.

ORDER

Let an “Award” be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 30 मार्च, 2017

का.आ. 842.—कर्मचारी राज्य बीमा निगम 1948 (1948 का 34)की धारा-1 की उप धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 अप्रैल, 2017 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-IV (44 व 45 धारा के सिवास जो पहले से प्रवृत्त हो चुकी है) अध्याय-V और VI (धारा-76 की उप धारा-(1) और धारा-77, 78,79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबंध जम्मू एवं कश्मीर राज्य के 14 जिलों के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:-

क्र.सं.	जिला मुख्यालय के नगर निगम/नगरपालिका के राजस्व क्षेत्र का नाम	क्र.सं.	जिला मुख्यालय के नगर निगम/ नगरपालिका के राजस्व क्षेत्र का नाम
1	डोडा	8	कुपवाड़ा
2	किश्तवाड़	9	बांदीपोरा
3	पूँछ	10	गांदरबल
4	रजौरी	11	कुलगाम
5	रामबन	12	शोपियां
6	अन्नतनाग	13	लेह
7	बारामुला	14	कारगिल

[सं.एस-38013/07/2017-एस.एस.1]

अजय मलिक, अवर सचिव

New Delhi, the 30th March, 2017

S.O. 842.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st April, 2017 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI (except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the Municipal Limit of the following 14 Districts in the State of Jammu and Kashmir namely: -

Sl. No.	Name of the Municipal limit of District Headquarter	Sl. No.	Name of the Municipal limit of District Headquarter
1.	Doda	8.	Kupwara
2.	Kishtwar	9.	Bandipora
3.	Poonch	10.	Ganderbal
4.	Rajouri	11.	Kulgam
5.	Ramban	12.	Shopian
6.	Anantnag	13.	Leh
7.	Baramulla	14.	Kargil

[No. S-38013/07/2017-S.S.1]

AJAY MALIK, Under Secy.

नई दिल्ली, 30 मार्च, 2017

का.आ. 843.—कर्मचारी राज्य बीमा निगम 1948(1948 का 34)की धारा-1 की उप धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 अप्रैल, 2017 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-IV (44 व 45 धारा के सिवास जो पहले से प्रवृत्त हो चुकी है) अध्याय-V और VI (धारा-76 की उप धारा-(1) और धारा-77, 78,79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबंध छत्तीसगढ़ राज्य के 17 जिलों के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:-

क्र. सं.	जिला	निम्नांकित के अधीन संपूर्ण क्षेत्र
1	कोरिया	नगर पालिका क्षेत्र बैकुण्ठपुर
2	सूरजपुर	नगर पालिका क्षेत्र सूरजपुर
3	बलरामपुर	नगर पालिका क्षेत्र बलरामपुर
4	सरगुजा	नगर निगम क्षेत्र अम्बिकापुर
5	जशपुर	नगर पालिका क्षेत्र जशपुर
6	मुंगेली	नगर पालिका क्षेत्र मुंगेली
7	कबीरधाम (कवर्धा)	नगर पालिका क्षेत्र कबीरधाम (कवर्धा)
8	बेमेतरा	नगर पालिका क्षेत्र बेमेतरा
9	महासमुंद	नगर पालिका क्षेत्र महासमुंद
10	बालोद	नगर पालिका क्षेत्र बालोद
11	कांकेर	नगर पालिका क्षेत्र कांकेर
12	कोण्डागांव	नगर पालिका क्षेत्र कोण्डागांव
13	नारायणपुर	नगर पालिका क्षेत्र नारायणपुर
14	बस्तर	नगर निगम क्षेत्र जगदलपुर
15	दंतेवाड़ा	नगर पालिका क्षेत्र दंतेवाड़ा
16	बीजापुर	नगर पालिका क्षेत्र बीजापुर
17	सुकमा	नगर पालिका क्षेत्र सुकमा

[सं. एस-38013/08/2017-एस.एस.1]

अजय मलिक, अवर सचिव

New Delhi, the 30th March, 2017

S.O. 843.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st April, 2017 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI (except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas of following 17 districts in the State of Chhattisgarh namely: -

Sl. No.	Name of the District	All the areas falling under
1.	Koriya	Municipal limit of Baikunthpur
2.	Surajpur,	Municipal limit of Surajpur
3.	Balrampur	Municipal limit of Balrampur
4.	Sarguja	Municipal Corporation limit of Ambikapur

5.	Jashpur	Municipal limit of Jashpur
6.	Mungeli	Municipal limit of Mungeli
7.	Kabirdham(Kawardha)	Municipal limit of Kabirdham (Kawardha)
8.	Bemetara	Municipal limit of Bemetara
9.	Mahasamund	Municipal limit of Mahasamund
10.	Balod	Municipal limit of Balod
11	Kanker	Municipal limit of Kanker
12.	Kondagaon	Municipal limit of Kondagaon
13.	Narayanpur	Municipal limit of Narayanpur
14.	Bastar	Municipal Corporation limit of Jagdalpur
15.	Dantewada	Municipal limit of Dantewada
16.	Bijapur	Municipal limit of Bijapur
17.	Sukma	Municipal limit of Sukma

[No. S-38013/ 08 / 2017-S.S.I]

AJAY MALIK, Under Secy.